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| 09/857,124      | 06/01/2001  | Rudolf Ritter        | P-281272/150        | 9808             |

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EXAMINER

PEREZ, JULIO R

ART UNIT PAPER NUMBER

2681

DATE MAILED: 01/05/2004

*9*

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/857,124

Applicant(s)

RITTER, RUDOLF

Examiner

Julio R Perez

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 15-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankovitz (5949492) in view of Tognazzini (5708478).

Regarding claim 15, Mankovitz teaches a portable mobile device, comprising: a radio receiver with which radio programs with program-accompanying digital data are receivable (col. 3, lines 18-20), at least certain of the received program-accompanying data containing location parameters (col. 9, lines 4-7);

Mankovitz does not explicitly disclose a position locating module for determining the current geographic position of the mobile device; and a filter module, connected to the radio receiver and to the position locating module which, on the basis of a current geographic position determined by the said position locating module, filters location-specific information from the said at least certain received program-accompanying data.

However, the preceding limitation is known in the art of communications. Tognazzini teaches a geographic detector processor 28 that in turn obtains the specific location of the user or mobile device (col. 6, lines 16-26). Furthermore, Tognazzini teaches a device detector or decoder that receives and determines the type of the

received signal (filtering); hence, if it is an AM, FM radio signal or a television signal, wherein the device detector or decoder analyzes the received signal for the advertising data implanted within the input signal (col. 5, lines 48-55 and col. 6, lines 1-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon the apparatus and method for accessing radio-television programs as taught by Mankovitz by implementing the accessing radio-television program apparatus with a position locating device and a device detector or decoder as taught by Tognazzini because it would improve Mankovitz' system with position locating capabilities and advertisement filtering means in order to provide the current geographic position of the user (col. 6, lines 16-21) and decoding the received signal for the advertising data (col. 5, lines 48-55 and col. 6, lines 1-9) respectively.

Regarding claim 16, Tognazzini teaches the mobile device according claim to 15, wherein the said position locating module includes a satellite-based positioning system or a terrestrial positioning system (Fig. 2, refs. 28 and 30), or the mobile device is a mobile radio device which is capable of communicating in a mobile network, and said position locating module is set up in such a way that it obtains position indications from said mobile network (col. 6, lines 16-21).

Regarding claim 17, Mankovitz teaches the mobile device recited in claim 15, further comprising a memory module in which a user profile is stored, on the basis of which user profile said received program-accompanying data are filterable by said filter module (col. 2, lines 64-67; col. 3, lines 1-3; col. 8, lines 39-46 and col. 12, lines 47-52).

Regarding claim 18, Mankovitz teaches the mobile device according to claim 15, further comprising a display (col. 7, lines 65-67) on which filtered program-accompanying data are displayable, including operating elements (col. 8, lines 4-11) by means of which filtered program-accompanying data selectable and editable (col. 13, lines 15-18; see also Fig. 59).

Regarding claim 19, Mankovitz teaches the mobile device according to claim 15, further comprising a communications module, which transmits selected, filtered program-accompanying data to a service center (col. 8, lines 39-50).

Regarding claim 20, Mankovitz teaches the mobile device according to claim 15, wherein said mobile device includes a communications module which activates a resource in the Internet, addressed through a URL address obtained in the said received program-accompanying data (col. 3, lines 58-63; see also Fig. 1, ref. 32).

Regarding claim 21, Mankovitz teaches the mobile device according to claim 15, wherein said mobile device includes a processing module in which executable program data files, contained in the said received program accompanying data, are executable (col. 9, lines 9-20).

Regarding claim 22, Mankovitz teaches a method for receiving and processing program-accompanying digital data which are transmitted by a radio transmitter (Fig. 1, ref. 10) and at least certain of which include location parameters (col. 6, lines 1-9), said method comprising: receiving said program-accompanying data by a portable mobile device by means of a radio receiver (col. 3, lines 18-20).

Mankovitz does not explicitly disclose a method of determining the current geographic position of said mobile device by means of a position locating module, wherein said mobile device filters, by means of a filter module, connected to the radio receiver and to the position locating module, location-specific information from the said received program-accompanying data on the basis of the determined current geographic position.

However, the preceding limitation is known in the art of communications. Tognazzini teaches a geographic detector processor (Fig. 2, ref. 28) that in turn obtains the specific location of the user (col. 6, lines 16-26). Furthermore, Tognazzini teaches a device detector or decoder that receives and determines the type of the received signal (filtering); hence, if it is an AM, FM radio signal or a television signal, wherein the device detector or decoder analyzes the received signal for the advertising data embedded within the input signal (col. 5, lines 48-55 and col. 6, lines 1-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon the apparatus and method for accessing radio-television programs as taught by Mankovitz by implementing accessing radio-television program apparatus with a position locating device and a device detector or decoder as taught by Tognazzini because it would improve Mankovitz' system with position locating capabilities and advertisement filtering means in order to provide the current geographic position of the user (col. 6, lines 16-21) and decoding the received signal for the advertising data (col. 5, lines 48-55 and col. 6, lines 1-9).

Regarding claim 23, Tognazzini teaches the method according to claim 22, wherein said determining of said current position is performed by a satellite-based positioning system or a terrestrial positioning system, or the said position locating module obtains indications about the current position from a mobile radio network (col. 6, lines 16-26).

Regarding claim 24, Mankovitz teaches the method according to claims 22, wherein said received program accompanying data are filtered by the said filter module on the basis of a user profile stored in a memory module of the said mobile device (col. 2, lines 64-67; col. 3, lines 1-3; col. 8, lines 39-46; and col. 12, lines 47-52).

Regarding claim 25, Mankovitz teaches the method according to claims 22, wherein filtered program-accompanying data are displayed (col. 7, lines 65-67) on a display of the mobile device, and the filtered program-accompanying data are selected by means of operating elements (col. 8, lines 4-11) of the said mobile device (col. 13, lines 15-18; see also Fig. 59).

Regarding claim 26, Mankovitz teaches the method according to claim 22, wherein selected, filtered program accompanying data are transmitted to a service center by a communications module of the said mobile device (col. 8, lines 39-50).

Regarding claim 27, Mankovitz teaches the method according to claims 22, wherein at least certain of said received program-accompanying data contain a URL address, and wherein a resource in the Internet, addressed through a selected said URI, address, is activated by a communications module of the said mobile device (col. 3, lines 58-63).

Regarding claim 28, Mankovitz teaches the method according to claim 22, wherein at least certain of said received program-accompanying data contain executable program data files, and wherein a selected said executable program data file is executed in a processing module of the said mobile device (col. 9, lines 9-20).

  
SINH TRAN  
PRIMARY EXAMINER



***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the art with respect to devices and methods for receiving and processing radio program data.

|   |   |
|---|---|
| US Pat. N0. 5654719 to Kunii            | Radio receiver to determine<br>geographic position          |
| US Pat. N0. 6438561 to Israni et al.    | Method and system for using<br>real-time traffic broadcasts |
| US pat. N0. 6539212 to Kamalski         | Radio broadcasting service                                  |
| US pat. N0. 5432542 to Thibadeau et al. | Television receiver location<br>identification              |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (703) 305-8637. The examiner can normally be reached on Monday - Friday, 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N Tran can be reached on (703) 305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

  
**SINH TRAN**  
**PRIMARY EXAMINER**

JP  
12/29/03